

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------|---|--------------------------------------|
| MICHAEL F. FEENEY, | : | CIVIL ACTION NO. 1:05-CV-0243 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| THE ULTIMATE COMPUTER | : | |
| SOFTWARE COMPANY, INC. | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 25th day of October, 2005, upon consideration of the motion (Doc. 16) of counsel for defendant for leave to withdraw, on grounds that defendant has failed, despite reasonable warning, to fulfill financial obligations owed to its present counsel, resulting in an unreasonable financial burden on counsel, see PA. RULES PROF'L CONDUCT R. 1.16(b)(1), (5)-(7) (permitting a lawyer to terminate representation if: (i) it would not have a "material adverse effect on the interests of the client," or (ii) "the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw," or (iii) "the representation will result in an unreasonable financial burden on the lawyer," or (iv) "other good cause for withdrawal exists"); see also L.R. 83.23.2 (adopting Pennsylvania Rules of Professional Conduct), it is hereby ORDERED that:

1. Counsel for defendant shall, on or before November 9, 2005, forward a copy of the motion for leave to withdraw and a copy of this order to defendant and shall confer with defendant regarding defendant's right to object to the motion and the ramifications of withdrawal,

including the potential for default judgment against an unrepresented corporate defendant.¹

2. Defendant shall be permitted to submit objections to the motion for leave to withdraw on or before November 18, 2005. Objections shall be written and shall be submitted to counsel for defendant.
3. Counsel for defendant shall file copies of any objections submitted by defendant or, if no objections are submitted, shall file a notice of concurrence in the motion for leave to withdraw on or before November 23, 2005.
4. The initial case management conference, currently scheduled for November 15, 2005, is postponed pending resolution of this issue.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ See Eagle Assocs. v. Bank of Montreal, 926 F.2d 1305, 1308 (2d Cir. 1991); see also Simbraw, Inc. v. United States, 367 F.2d 373, 373 (3d Cir. 1966) (per curiam), cited with approval in Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 203 (1993).